

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brrazos

Subfile No. CHRB-009-0012A

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (State) and moves the Court to vacate the Consent Order filed June 26, 2003 (Doc. No. 7183) in connection with Defendant Laguna Vista Townsite Inc. (Defendant) and Subfile CHRB-009-0012, and as grounds therefore Plaintiff states as follows:

1. The description and mapping of the irrigated water rights in the Consent Order filed June 23, 2003 in connection with lands owned by Laguna Vista Townsite Inc. erroneously included a tract of land to the north that was owned by other parties. The error has been corrected, and the State and the Defendant have approved a new Consent Order that was filed with the Court on December 12, 2005 (Doc. No. 8096) (Subfile CHRB-009-0012A). The new order also included additional acreage that had been classified as “seeped.” The State failed to request that the earlier order be vacated prior to filing the new order.

2. The Consent Order filed June 23, 2003 (Doc. No. 7183) should be vacated.
3. The Defendant does not oppose the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed June 23, 2003 (Doc. No. 7183) in connection with Defendant Laguna Vista Townsite Inc.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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P.O. Box 25102
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was mailed to following this 16th day of May 2006:

Laguna Vista Townsite, Inc.
HC-75 Box 1152
Los Ojos, NM 87551

and transmitted by ACE filing to the following this same day:

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville
Edward G. Newville